

Exhibit G

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10 ACACIA MEDIA TECHNOLOGIES CORPORATION

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 SOUTHERN DIVISION

14 ACACIA MEDIA TECHNOLOGIES
15 CORPORATION,

16 Plaintiff,

17 vs.

18 NEW DESTINY INTERNET GROUP,
19 et. al.,

20 Defendants.

21 AND ALL RELATED CASE ACTIONS.
22
23
24
25
26
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28

Case No. SACV 02-1040 JW (MLGx)

PLAINTIFF ACACIA MEDIA
TECHNOLOGIES
CORPORATION'S COMBINED
OPPOSITION TO:

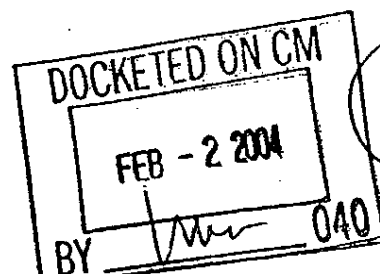
(1) CLAIM CONSTRUCTION
BRIEF OF AEBN, INC.; ADEMIA
MULTIMEDIA, LLC; AUDIO
COMMUNICATIONS, INC.;
GAME LINK, INC.; INNOVATIVE
IDEAS INTERNATIONAL;
LIGHTSPEED MEDIA GROUP,
INC.; NEW DESTINY INTERNET
GROUP, INC.; VS MEDIA, INC.;
AND

(2) CLAIM CONSTRUCTION
BRIEF OF IWI AND OFFENDALE

DATE: February 6, 2004

TIME: 10:00 a.m.

CTRM: Hon. James Ware



1 the functions recited in the claim is a source material library, which defendants state
2 are "the original source items available in the transmission system organized in a
3 library." (Defs' Brief at 32:2-5). Defendants' construction does not conform to what
4 the inventors meant by the "source material library" in the specification; defendants
5 are attempting to add limitations to the construction which are not even present in the
6 specification.

7 Nothing in the specification states that only "original" items are stored in the
8 source material library -- copies of source material items could be stored in one or
9 more of the source material libraries. Further, nothing in the specification states that
10 the items are "organized" in the source material library. The specification
11 contemplates that the items would be assigned a unique identification code and would
12 be organized when they are placed into the compressed data library for access by a
13 user. ('992 patent, 6:35-39). Defendants also do not define what is meant by
14 "library." Defendants argue that the library is not a "generic library," but do not state
15 what they believe "library" should mean. Acacia's construction for "library" -- a
16 place where materials are kept or a collection of such materials is the ordinary and
17 customary meaning of the term and it is consistent with the specification as a place or
18 collection of the materials described at 6:8-22, which includes audio and video tapes,
19 film, and computer tapes, disks, and cartridges.

20 **D. The Phrase "Storing Items Having Information in a Source Material**
21 **Library" Should Not be Construed to Include a "Readily Accessible"**
22 **Limitation**

23 The terms in the phrase "storing items having information in a source material
24 library" are used in their ordinary and customary manner and this phrase is construed
25 as:

26 the act of placing items having information in a source material
27 library for later use where a source material library is a place
28 where source material is kept or a collection of such material,
source material are physical things at the point of origin or

1 procurement, items having information are units or members of
2 groups which have information, and information is any
3 meaning assigned to data by known conventions.

4 Defendants argue that the "source material library" is "not simply an off-site
5 library, such as a public library or a video store that bears no relation to the
6 transmission system." Defendants contend that the written specification of the '992
7 patent makes this definition clear, but do not cite to the written specification in
8 support of their argument. (Defs'. Brief at 32:20-22). Defendants therefore interpret
9 this claim phrase as meaning that "the transmission system has readily accessible for
10 use original source items of the transmission system in a library." (Defs'. Brief at
11 32:28 - 33:2). Defendants' argument is easily rebutted by the specification of the
12 '992 patent, which specifically states that the act of retrieving information for items is
13 analogous to taking books off a shelf at the local public library. ('992 patent, 18:53-
14 59).

15 Although claim 41 of the '992 is a method claim, and therefore its claim
16 limitations must be acts⁸ defendants' proposed definition does not state any act. This
17 is peculiar, because the dictionary definition for "storing" earlier provided by
18 defendants—"to place or leave in a location for later use"—describes an act.
19 Defendants inexplicably ignore their own, earlier definition of "storing" and, instead,
20 propose a definition which has no relationship to the ordinary and customary
21 definition of "storing" when an act is being described.

22 As they did with respect to the library means, defendants attempt to add a
23 limitation that the source material be "readily accessible" to the transmission system.
24 Again, there is nothing in the written specification which either explicitly or implicitly
25 requires that the source material be "readily accessible." This is a construction that
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27 ⁸ 35 U.S.C. § 101 (permitting claims on "processes"); Tilghman v. Proctor, 102
28 U.S. 707, 727 (1880) ("A process is an act, or a mode of acting"); Cochrane v.
Deener, 94 U.S. 780, 788 (1876) ("A process is ... an act, or a series of acts").